

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1513 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DATTA HARISHBHAI DULLA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MS RAO for Petitioner

MS PROMILA SAFAYA, STANDING COUNSEL FOR CENTRAL GOVT.

for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 20/02/97

ORAL JUDGEMENT

Rule. Ms.Promila Safaya. learned Standing Counsel for Central Government waives service of notice of Rule on behalf of respondent.

At the request of learned counsel appearing for the parties, the petition is heard to day.

Pursuant to the application made by the petitioner, respondent had issued a Passport to the petitioner on August 16, 1982. In the column "Place of Birth" on Page 1 of the Passport, it was indicated by the respondent that place of birth of the petitioner was "AHMEDABAD". This mistake went unnoticed until recently. The period of the Passport which was issued on August 16, 1982 expired in the year 1992, and therefore, on application being made, fresh Passport was issued to the petitioner. In the fresh Passport, name of the petitioner was wrongly shown. The petitioner thereupon approached the respondent for rectification of the name and the request made by the petitioner for rectification of his name was accepted by the respondent. On February 6, 1997, the petitioner received communication from U.S.A. Consulate, Bombay returning her original Passport and advising her to get necessary rectification done in her Passport with regard to place of her birth. On receipt of said communication, the petitioner made an application on February 7, 1997 and requested the respondent to correctly show the place of birth of the petitioner in the Passport. The petitioner has claimed that on February 10, 1997, husband of the petitioner was informed by the respondent that he had no power or authority to make rectification as prayed for. Under the circumstances, the petitioner has filed present petition under Art. 226 of the Constitution and prayed to issue a writ of mandamus or any other appropriate writ or order directing the respondent to make necessary rectification in the Place of Birth column of her Passport by showing "BOMBAY" instead of "AHMEDABAD" as her place of birth.

In support of claim advanced in the petition, the petitioner has produced certificate dt. April 10, 1984 issued by Municipal Corporation of Greater Bombay under Rule 9 of the Maharashtra Registration of Births and Deaths Rules 1976 at Annexure A to the petition which indicates that the place of birth of the petitioner is "BOMBAY". Similarly, School Leaving Certificate issued by Lady Superintendent, Municipal Girls High School, Danapith, Ahmedabad shows that place of birth of the petitioner is "BOMBAY". The School Leaving Certificate is produced by the petitioner at Annexure B to the petition. From the contents of both the certificates which are produced at Annexures A and B respectively, it is evident that because of bonafide mistake, the respondent had wrongly shown "AHMEDABAD", instead of "BOMBAY" as place of birth of the petitioner. The genuineness of two certificates is not disputed before the Court. Under the circumstances, following direction is given :-

The respondent is directed to act upon the certificates produced at Annexures A and B to the petition and rectify " place of birth " column of petitioner's Passport by showing " BOMBAY " instead of " AHMEDABAD " as her place of birth. Rule is made absolute accordingly to the extent indicated hereinabove, with no order as to costs.
